

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MATTHEW CATANZARO and  
MICHAEL GARRISON,

No. 08-11173

Plaintiffs,

District Judge Thomas L. Ludington

v.

Magistrate Judge R. Steven Whalen

MICHIGAN DEPT. OF CORRECTIONS,  
et.al.,

Defendants.

/

**ORDER DENYING MOTION TO APPOINT COUNSEL**

Plaintiffs, *pro se* prison inmates in this civil rights action brought under 42 U.S.C. §1983, have filed a motion for appointment of counsel [Docket #19].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. In this case, the Defendants have not yet been served. At this point, the motion to appoint counsel is premature. If Plaintiffs’ claims ultimately survive dispositive motions, they may renew their motion for appointment of counsel at that time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for appointment of counsel [Docket #19] is **DENIED WITHOUT PREJUDICE**.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 30, 2008.

S/G. Wilson  
Judicial Assistant